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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,109	11/21/2001	Randall A. Boudouris	M112.2-10064	2833

490 7590 02/15/2006

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Interview Summary	Application No.	Applicant(s)	
	09/990,109	BOUDOURIS ET AL.	
	Examiner	Art Unit	
	Gladys JP Corcoran	1733	

All participants (applicant, applicant's representative, PTO personnel):

(1) Gladys JP Corcoran.

(3) Lisa Ryan-Lindquist.

(2) Richard Crispino.

(4) Richard Arrett.

Date of Interview: 20 January 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1,37 and 75.

Identification of prior art discussed: Texier.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: (see attachment).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

ATTACHMENT TO INTERVIEW SUMMARY

1. Applicant telephoned Examiner to discuss whether there were any dependent claims, which if placed in independent form, could be indicated allowable. In particular, Applicant argued that none of the references show binding the sheet assemblies at one end as claimed in dependent claim 75 and that dependent claim 37 should be allowed based upon the number of references used to reject the claim. Examiner indicated that claims 75 and 37 would be reconsidered and Applicant would be contacted. As to claim 1, Applicant argued that the Nordson units disclosed in Texier are not extruders and are not related to extrusion. Examiner pointed out that Texier discloses coating the material with conventional type coating devices (column 3, lines 65-67) with examples such as a nozzle type machine or a roller type machine including a 3960 Multiscan sold by Nordson (column 4, lines 33-39). Thus the Nordson units are used with roller type machines which are alternatives to nozzle type machines which are considered well known in the art to be extrusion machines with slot dies. Applicant also asked Examiner to reconsider the declarations filed on January 17, 2005. Examiner agreed to reconsider the declarations.

2. On February 13, 2006, the Examiner telephoned Applicant to discuss the claims 37 and 75 and the declarations filed on January 17, 2005.

3. It was first noted that typographical errors were found in the prior Office Action filed on November 25, 2005. On page 5 when referring to claim 75, "(column 3-6)" should be "(column 4, lines 3-6)". The heading and corresponding explanations of the rejections of the claims in paragraph 5, page 7 should be separated such that claim 31

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is rejected as “further in view of Bielek et al. (US Patent No. 6,387,485) and/or Silverschotz et al. (US Patent No. 5,869,148)” and claim 32 is rejected as “further in view of Bielek et al. (US Patent No. 6,387,485)” [the reference Silverschotz is not relied upon for rejecting claim 32]. Additionally, the heading in paragraph 6, page 8 does not need to include “[optionally further in view of Bielek and/or Silverschotz]” as these references are not relied upon for the rejection of the claims.

Claim 75

4. Claim 75 is dependent on claim 1 and further recites that the magnetic assembly is forming into a plurality of magnetic sheet assemblies, layering the sheet assemblies to form a stacked pad, and binding the sheet assemblies together at one end.

5. The Examiner discussed with Applicant that, as discussed in the prior Office Action, Texier discloses that a plurality of magnetic sheet assemblies are stacked in a pad (column 4, lines 3-6) and further that it is considered conventional in the packaging arts to stack pads of multiple articles and then bind the articles together at one end in order to ship the articles and/or provide a multitude of products in one pad. The Examiner discussed how the limitation of “binding said sheet assemblies together at one end” is not restricted to only applying glue or adhesive at the end of a stack or even binding only at one end. The Examiner further gave examples of conventional packaging methods that read on the limitations including, binding with straps, or with shrink wrap over the entire stack.

Claim 37

6. Examiner first pointed out that Claim 37 should depend from claim 36 and not claim 32 in order to provide antecedent basis for "said overlamine".

7. Applicants suggested that claim 37 should be allowable because of the number of references used to reject the claim. Examiner indicated that the number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. In order to further clarify the rejection, each of the references were discussed.

8. Texier was cited to show it is known in the art to form a magnetic assembly by directly applying a magnetic hot melt composition to a printable substrate layer formed of paper, paper products or pasteboard with conventional coating means, including nozzles, at an elevated temperature.

9. Korpman was cited as an example that it is well known in the coating arts to coat hot melt compositions (in particular the same binders as used by Texier and in particular compositions with high viscosities) to paper with an extruder and a slot die head.

10. Tanuma is further cited as an example that it is well known in the magnetic arts to extrude hot melt magnetic compositions with high percentages of magnetic materials (within the claimed ranges) for direct application/coating to a substrate.

11. Czaplicki is also cited as another example that it is well known in the magnetic arts to extrude hot melt magnetic compositions with high percentages of magnetic materials (within the claimed ranges).

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12. The references Korpman, Tanuma, and Czaplicki are cited collectively to show the state of the art in reference to coating hot melt compositions, in particular compositions with high viscosities and/or including magnetic material in high percentages, with an extruder and slot die head.

13. Charley is cited to show the limitation in claim 32 that the magnetic layer is joined to a release liner (layers 20, 24, 28), the limitation in claim 36 that the magnetic assembly further has an overlamine over said printable substrate layer (layer 18), and the limitations in claim 37 that the overlamine is perforated in substantially the same dimensions as said magnetic assembly (serration cut line 40).

14. The Marshall reference was cited merely as an optional reference to show that it is known in the arts to provide magnetic particles in hot melt compositions in amounts as high as 96% in order to address the higher percentages of magnetic material in the range recited in claim 1.

Declarations

15. The declarations filed on January 17, 2005 by Scott Morling and Thomas H. Quinn were reconsidered and found not to be persuasive. The sales increase shown in the declaration by Scott Morling have not been shown to be attributable to the claimed invention, therefore there is an insufficient nexus between the statements in the declaration and the claimed invention. The declaration by Thomas H. Quinn are directed to prior rejections based on the Bielek reference as a primary reference, which rejections have been withdrawn for reasons other than the declaration (the claims have been amended).